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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,312	04/19/2000	Andrea Basso	IDS #1999-0097	4129

7590 10/30/2006

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EXAMINER

SHANG, ANNAN Q

ART UNIT PAPER NUMBER

2623

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/552,312

Applicant(s)

BASSO ET AL.

Examiner

Annan Q. Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/23/06, 9/26/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Per telephone interview conducted on 08/16/06, the last office action is hereby vacated and withdrawn, and a new office action is hereby being issued.

Response to Arguments

2. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection. The amendment to the independent claims necessitated the new ground(s) of rejection discussed below.

With respect to claims 8-13, Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that the prior art of record Fasciano (6,336,093) disclosure only relates to using audio for dividing a single video program into segments for the purpose of editing and not browsing.

In response, Examiner disagrees. Examiner notes applicant's arguments, however Fasciano discloses in col.3, line 11-col.4, line 6 and col.7, lines 16-54, that sound pattern can be used to capture video information, store the captured video information in a database and retrieve accordingly in a manner such as shown in Reber (5,584,006 and 5,267,351), which discloses indexing of video and selectively retrieving under the control of a user (see Reber Pat '006, col.3, lines 37-60 and abstract of Pat '351). Fasciano further make references to other patents, such as Kaye (5,623,609), etc., where indexing can be implemented using speech. With respect to claims 14-17 rejected under 103(a) as being unpatentable over Fasciano in view of Hakverson et al (6,253,061), Examiner maintains the rejection is proper and appropriate motivation was

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given. Hence, Examiner maintains the rejection of claims 8-17, is proper and meets all the claimed limitations as repeated below. **This office action is made final.**

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by **Cobbley et al (5,818,510)** previously cited.

As to claim 1, note the **Cobbley** reference figures 1-5, discloses method and apparatus for providing broadcast information with indexing and further discloses a method comprising steps of:

Indexing (Index Data Capture Device 112, col.3, lines 55-col.4, line 12 and lines 51-61) a media collection to create an indexed library based on a content of the media collection (col.5, line 56-col.6, line 21), where indexing the media collection includes analyzing the media collection to determine whether speech recognition data or closed captioning data may be used to index the media collection (col.4, lines 43-50, col.6, lines 21-32, col.8, lines 35-44 and col.15, line 46-col.16, line 7);

Searching the indexed library to identify a set of candidate program segments based on a search criteria (col.10, lines 26-col.11, line 1+); and

Browsing the set of candidate program segments to select a segment for viewing (fig.2, col.11, line 5-col.12, line 1+).

As to claim 2, the claimed "A method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claims 3-4 and 6, Cobbley further teaches browseable image for each segment of the candidate program segments, which includes keywords identified in the searchable text data for display in the browseable image and selecting a display segment from the set of candidate program segments and displaying the associated browseable image with associated keywords (fig.2, col.11, line 5-col.12, line 1+ and col.15, line 46-col.16, line 7).

5. Claims 8-13, are rejected under 35 U.S.C. 102(b) as being anticipated by **Fasciano (6,336,093)**.

As to claim 8, note the **Fasciano** reference figures 6 and 7, discloses apparatus and method using speech recognition and scripts to capture author and playback synchronized audio and video and further discloses method of indexing media for browsing, comprising the following:

the claimed indexing a media collection according to detection of speaker voice characteristics" is met by Speech Recognition Module (SRM) 70 (fig. 7, col. 6, line 63-col. 7, line 17 and lines 40-53), note that SRM 70 detects sound patterns of speech,

example each Journalist, Editor, etc., (col. 7, lines 41-47) within a received video, capturing and indexing the video or news information "media" according to the voice of the Journalist or Editor "speaker;"

the claimed "receiving a search query from a user to locate a media segment from the indexed media collection" is met by the Graphical User Interface (GUI) 40 (fig. 1 and col. 3, lines 11-44), note the User Input 44 is used to select video segments and sound pattern are use in performing a search within SRM 70, where the user is presented with a portion of the indexed video collection according to the search query (fig. 6, col. 4, lines 7-16, col. 5 , line 47-col. 6, line 15 and line 54-63).

As to claim 9, Fasciano further disclose indexing a video collection according to visual information (col. 6, lines 8-15 and lines 54-63).

As to claim 10-13, Fasciano further discloses identifying speaker speech segments (col. 7, lines 40-54) note that the sound patterns of each Journalist or Editor is selected to identify a speaker speech segments, and the identify speaker segments is used to extract video segments and summaries of the video segments of an individual (figs. 4-6 and col. 6, lines 21+), note further the User GUI presents the extracted summaries in response the user search query.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cobbley et al (5,818,510)** in view of **Hoffert et al (5,983,176)**.

As to claims 5 and 7, **Cobbley**, further teaches indexing scene and key frames and story characters, but fails to explicitly teach an anchor-person associated with the selected video and where the anchor-person with low information content and field shot image of an event of high information content and forming a browseable image by selecting the field shot image as key image and rejecting the image of the anchor-person as key image.

However, note **Hoffert et al** reference disclose evaluation of media content in a media files, searches for the files in the database and displays the search results based on the content of the media files where high level content attributes are more meaning used for short video sequences to enhanced searching (col. 21, lines 10-28, col. 24, lines 15-35 and Appendix A), note that text and closed captioning data is also used as searchable text.

Therefore it would have be obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Hoffert into the system of Cobbley as to used high content level data to perform a search to reduce error in a search result.

8. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fasciano (6,336,093)** as applied to claim 8 above, and view of **Halverson (6,523,061)**.

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As to claims 14, Fasciano fails to explicitly teach a search query from a user further comprising a natural language query.

However, Halverson teaches system and method for agent-based navigation in a speech-based data navigation system where, when a spoken request is received from a user, it is interpreted and the resulting interpretation is used automatically construct an operational query (figs. 1, 2, 4 and col. col. 7, line 64-col. 8, line 25).

Therefore it would have be obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Halverson into the system of Fasciano in order to an apparatus to interpreted natural language and use the interpretation to perform queries to achieve reduction in speech recognition error in grammars.

As to claims 15 and 16, Halverson further discloses contextual information from a previous interaction with the natural language and return an answer in an HTML format (fig. 4, col. 10, lines 6-19).

As to claim 17, Halverson further discloses where the natural language search query from a user, comprises generating a semantic description of the natural language query in terms of keyword/value pairs (fig. 3 and col. 11, lines 35-col. 12, lines 11).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maybury et al (6,961,954) disclose automated segmentation, information extraction, summarization, and presentation of broadcast news.

Menard et al (6,061,056) disclose TV monitoring system with automatic selection of program material of interest and subsequent display under user control.

Cragun et al (5,859,662) disclose apparatus and method for selectively viewing video information.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.



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